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LETTER-MOTION FILED VIA ECF

Hon. Valerie Caproni, U.S. District Judge
U.S. District Court, Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Johnson v. Amazing Paint Party LLC, et al.*
Civil Action No. 1:21-cv-03659-VEC (S.D.N.Y.)
Second Consent Request for Extension of Discovery Deadlines
& Adjournment of Pretrial Conference

Dear Judge Caproni,

We represent the Plaintiff, Eric Johnson, in the above-referenced action. Pursuant to Paragraphs 2[A] & 2[C] of Your Honor's Individual Practices In Civil Cases, and with the consent of counsel for Defendants Amazing Paint Party LLC ("APP") and Ray Tennyson (collectively, the "APP Defendants"), we write to respectfully request an order extending the current dates for close of fact and expert discovery in this action (*see* Dkt. 45) by 30 days each, and adjourning the next pretrial conference in this action presently scheduled for February 4, 2022.

This is the parties' second request for extension of discovery deadlines and adjournment of the next pretrial conference; the parties' first request (Dkt. 44) was granted by the Court's order of December 3, 2021 (Dkt. 45).

The basis of this request is as follows. The parties have continued to diligently engage in document discovery since the Court's December 3, 2021 discovery extension order. In early January, Plaintiff alleged a number of discovery deficiencies by the APP Defendants, which the parties' counsel subsequently and promptly met and conferred over. The parties have since been regularly conferring, and diligently working in good faith, to resolve the alleged discovery deficiencies before holding fact depositions. However, the primary APP employee previously tasked with compiling responsive documents recently departed the company, which has caused further delays in the APP Defendants' completing their supplemental discovery and amended discovery responses.

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An additional thirty-day extension of discovery deadlines would allow the parties to attempt to resolve their disputes to complete document discovery (and thereafter hold depositions) without the need for Court intervention. If the Court so desires, the parties would alternatively be prepared to proceed with jointly calling Chambers to schedule a discovery tele-conference (in accordance with Rule 3[B] of Your Honor's Individual Practices in Civil Cases), in which case the parties would respectfully request that discovery deadlines be stayed pending resolution of the parties' discovery disputes and the holding of fact depositions thereafter. However, given the parties' present belief that many if not all of their discovery disputes may be resolved directly, and thus in the interest of avoiding unnecessary use of judicial time and resources, the parties would request an additional 30 days to attempt to resolve the disputes and complete fact discovery themselves without Court intervention.

This request will not impact any presently-scheduled hearing in this matter with the exception of the next pretrial status conference, as to which the parties also seek adjournment by this request (as set forth below).

The parties respectfully request that current discovery deadlines be extended by 30 days, as follows:

<u><i>Event</i></u>	<u><i>Current Date</i></u>	<u><i>Proposed New Date</i></u>
Completion of Fact Discovery	January 30, 2022	March 1, 2022
Completion of Expert Discovery	March 14, 2022	April 13, 2022

For the same reasons for the discovery extension request set forth above, the parties also respectfully request that the pretrial conference presently scheduled for February 4, 2022 (*see* Dkt. 45), be adjourned to March 8, 2022, or to such other date convenient to the Court.

We thank you for your time and consideration.

Very truly yours,



Alexander Malbin, Esq.
Counsel for Plaintiff Eric Johnson

CC: Evan W. Talley, Esq.,
Counsel for Defendants Amazing Paint Party LLC
& Ray Tennyson

Application GRANTED in part. Fact discovery must be completed by **March 1, 2022**.
Expert discovery must be completed by **April 13, 2022**.

The pretrial conference scheduled for February 4, 2022 is adjourned to **March 4, 2022 at 3:00 p.m.** The parties' joint submission is due by **February 24, 2022**. The parties should appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3659.

No further adjournments or extension requests will be granted.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

1/21/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE